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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,999	08/26/2003	John H. Yoakum	7000-285	3327
27820	7590	01/04/2006	EXAMINER	
WITHROW & TERRANOVA, P.L.L.C.			BRINEY III, WALTER F	
P.O. BOX 1287			ART UNIT	
CARY, NC 27512			PAPER NUMBER	
			2646	

DATE MAILED: 01/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action
Before the Filing of an Appeal Brief

Application No.

10/647,999

Applicant(s)

YOAKUM ET AL.

Examiner

Walter F. Briney III

Art Unit

2646

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 19 December 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.

BRIAN PENDLETON
PATENT EXAMINER

Brian Pendleton

Continuation of 11. does NOT place the application in condition for allowance because: With respect to claims 1-39, the applicant alleges on page 2, lines 13-22, of the current response that the office did not provide any evidence supporting the combination of Strathmeyer and Takemoto, to which the examiner respectfully disagrees. The applicant specifically asserts that the motivation statement directed towards using an abbreviated number sequence is unsupported. However, in the scope of generating a string, whether by dialing on a keypad, handwriting, etc...the length of the string predetermines the time required for generation. For example, it necessarily takes more time to strike 10-keys than 1-key. Thus, the savings in time gained by entering a short string versus a long string are self-evident from the length property of strings. Anyone of ordinary skill in the art would have recognized this property at the time of the invention. The teachings of Takemoto simply provide a means for taking advantage of the string length property.

With further respect to claims 1-39, the applicant alleges on page 2, line 23, through page 3, line 8, of the current response that the combination of Strathmeyer and Takemoto, the above treated point notwithstanding, does not establish obviousness, to which the examiner respectfully disagrees. The applicant supports the allegation with the disclosure found in paragraph 26 of Takemoto. However, it is submitted that the applicant has misconstrued the teachings of Takemoto, resulting in the assertion that telephone 2 is an IP-telephone. However, a closer inspection of figure 2, to which the disclosure of paragraph 26 is directed towards, indicates that telephone 2 is entirely analog in nature. This is evidenced by the AD/DA block 11b (i.e. analog-to-digital/digital-to-analog converter). Assuming for a moment that the applicant is correct in alleging that telephone 2 is an IP telephone, then AD/DA block 11b would translate the telephone's digital packets into an analog signal, without depacketization, for processing by the CPU (i.e. digital system) and packetizing engine (i.e. digital system) for transmission to the Internet (i.e. digital system). Clearly, this interpretation is flawed. In contrast, assuming telephone 2 is analog results in the telephone's analog signal being converted into a digital signal for processing by the above noted digital systems. Therefore, as all of the applicant's allegations have been shown to be either moot or unpersuasive, the rejections of claims 1-39 are maintained.